

**FINAL**  
SPECIAL CITY COUNCIL  
CITY OF WICHITA  
KANSAS

Special City Council Meeting  
01:00 p.m. October 23, 2008

City Council Chambers  
455 North Main

**OPENING OF SPECIAL MEETING**

-- Call to Order

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**COUNCIL BUSINESS**

**III. NEW COUNCIL BUSINESS**

1. Intrust Bank Arena Street Improvements. (District I)

RECOMMENDED ACTION: Approve the design concepts, projects, City/Council construction agreement, and authorize the necessary signatures.

2. Resolution Considering the Expansion of the Center City South Redevelopment District, Tax Increment Financing. (Districts I and VI)

RECOMMENDED ACTION: Adopt the resolution providing notice of consideration for the proposed expansion of the Center City South redevelopment district and setting a public hearing for December 2, 2008.

3. Resolution Considering the Adoption of a Redevelopment Project Plan, Tax Increment Financing, C.O.R.E. Redevelopment District. (District VI)

RECOMMENDED ACTION: Adopt the Resolution and authorize the necessary signatures.

4. Charter Ordinance-City Primary Elections.

RECOMMENDED ACTION: Retain its current primary election procedure, place the Charter Ordinance on first reading, and that the Charter Ordinance be published twice after final approval.

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**COUNCIL AGENDA**

**X. COUNCIL MEMBER AGENDA**

1. Selection of a delegate and alternate for voting eligibility at the NLC Annual Business Meeting, November 15, 2008, Orlando, Florida.  
(Deferred October 21, 2008)

RECOMMENDED ACTION: Select a voting delegate and alternate.

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**XII. CONSENT AGENDA**

1. Adoption of Amended Bond Ordinance and Approval of Conversion and Assignments, DSW Broadview, LLC.  
(District VI)

RECOMMENDED ACTION: Adopt the amended Bond Ordinance on second reading; approve the Acknowledge of Conversation and Assignments; and authorize the necessary signatures.

2. Second Reading Ordinances: (First Read October 7, 2008)
  - a. Second Reading Ordinance, (Broadview Ordinance No. 48-100)

RECOMMENDED ACTION: Adopt the Ordinances.

3. Bombardier/Learjet Open House 2008, October 25, 2008, 9:30 – 10:30 a.m. (Districts V and IV)

RECOMMENDED ACTION: Approve the request subject to: 1) hiring off-duty certified law enforcement officers as required; 2) obtaining barricades to close the streets in accordance with requirements of Police, Fire, and Public Works Department; and 3) Certificate of Liability Insurance on file with the Community Events Coordinator.

Adjournment

City of Wichita  
City Council Meeting  
October 23, 2008

**TO:** Mayor and City Council Members

**SUBJECT:** Intrust Bank Arena Area Street Improvements (District I)

**INITIATED BY:** Department of Public Works

**AGENDA:** New Business

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**Recommendations:** Approve the design concepts, projects, and construction agreement.

**Background:** Street, storm sewer, and right-of-way improvements are needed to improve access and drainage in the area around the Intrust Bank Arena. The proposed improvements are: the Washington and Waterman intersection; Topeka, Kellogg to Waterman; Emporia, Waterman to William; William, Emporia to Commerce; and St. Francis, William to Douglas. On August 12, 2008 the City Council approved an agreement with P.E.C., consultant engineers, for the preparation of construction plans. On October 8, 2008 District I Advisory Board held a neighborhood hearing on the projects. The board voted unanimously to recommend approval of the projects.

**Analysis:** The Washington at Waterman intersection improvement will provide turn lanes at all four approaches, a new storm water sewer system, upgraded traffic signals and wider sidewalks. A 48" water line will be installed through the area as part of a new supply line to a booster pump station in southeast Wichita. Pending final right-of-way acquisition by Sedgwick County, construction will begin next spring and be completed in the fall. Sedgwick County will fund the improvement costs except for Water and Stormwater Utility work. The City will administer the construction work.

The remaining street improvements will consist of pavement reconstruction, drainage improvements, upgraded traffic signals, wider sidewalks, streetscaping/landscaping and new street lighting. Topeka, William and St. Francis will be converted to two-way streets within the project limits. On-street parking will be eliminated on Topeka. Parallel parking will be provided on both sides of Emporia and diagonal parking on the north side of William and the east side of St. Francis. Construction is planned to begin next April and be completed in November.

Approval of the design concepts at this time is critical in order to insure that final construction plans are completed in time to allow construction to be completed before the arena opening.

**Financial Considerations:** The estimated projects costs are as follows: Washington & Waterman - \$6,687,120 (includes right-of-way purchased by the County and City of Wichita utility costs); Topeka, Kellogg to Waterman - \$1,348,503; Emporia, Waterman to William - \$903,738; William, Emporia to Commerce - \$739,000; and St. Francis, from the north side of the Arena to Douglas - \$646,000. The funding source is Sedgwick County Arena funds, and/or TIF funding, except for the water supply line (\$1,147,810) and storm sewer improvements (\$227,568) at Washington & Waterman, which will be funded by the Wichita Water and Stormwater Utilities.

The costs for water and sewer utility improvements bid with the Arena project, as requested by the City but not a circumstance of the Arena construction, are also included in the City/County construction agreement that is to be approved as part of this item. The \$632,291 cost for this work will be funded by the Wichita Water Utilities.

**Goal Impact:** This project addresses the Efficient Infrastructure goal by improving vehicular and pedestrian traffic in the Arena area. It also addresses the Dynamic Core Area and Vibrant Neighborhoods goal by providing drainage and street improvements needed for the new Arena and surrounding neighborhood.

**Legal Considerations:** The Construction Agreement has been approved as to form by the Law Department.

**Recommendation/Actions:** It is recommended that the City Council approve the design concepts, projects, City/County construction agreement, and authorize the necessary signatures.

**Attachments:** Map, agreement.

**CONSTRUCTION COORDINATION AGREEMENT**  
**Street and Utility Improvements Related to**  
**Sedgwick County Downtown Arena**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by and between Sedgwick County, Kansas, hereinafter referred to as "County," and the City of Wichita, Kansas, hereinafter referred to as "City", both being municipalities of the State of Kansas.

WITNESSETH:

WHEREAS, the County and City are authorized to enter into this Agreement pursuant to K.S.A. 12-2908, as amended; and

WHEREAS, the County and City have agreed that a significant aspect of the redevelopment of downtown Wichita is the construction of the Sedgwick County Downtown Arena (hereinafter "the Arena"), a modern, first-class, sports and entertainment venue with a 15,000 seat capacity (for basketball) and 20 executive and two party suites designed to provide maximum "fan experience" for all guests; and

WHEREAS, the Arena will be owned and operated by the County and located in the center of a revitalizing area of downtown Wichita, the center city of Sedgwick County; and

WHEREAS, the Arena will be in an area generally bordered by William on the north, Waterman on the south, the Burlington Northern-Santa Fe tracks on the east, and Emporia on the west; and

WHEREAS, the County and City desire to formally-establish cooperative actions that address infrastructure improvements.

NOW, THEREFORE, for and in consideration of the parties' mutual promises and covenants, it is agreed as follows:

**PURPOSE** The purpose of this Agreement is to:

Coordinate the engineering, construction administration, construction and financing of water, sanitary sewer, storm sewer and street improvements within existing or to be acquired street right-of-way that lies within the corporate limits of the City which is in the area adjacent to the Arena site and the Washington and Waterman intersection improvement project; and

Define the responsibilities and cost sharing for providing the required land and right of way purchases, engineering, construction administration, testing, construction and financing of water, sanitary sewer, storm sewer and street improvements including lighting and streetscaping by the City and the County within the Arena site and Washington and Waterman intersection improvement project street right-of-way that lies within the corporate limits of the City.

The County and City desire high-quality public streets and streetscape adjacent to the Arena site to match the world-class development on the Arena site and these infrastructure improvements will benefit the transportation needs and aesthetic goals of the City and County.

**POWERS AND DUTIES.** The respective powers, duties and responsibilities of the parties, with respect to the various affected sites, are stated below:

## 1) STREET IMPROVEMENTS

### a) **St. Francis from Douglas to the Arena north parking lot**

- i) The County has contracted for, will pay for and, directly or through its contractors or agents, manage the design, bidding and the reconstruction and conversion to two-way traffic of St. Francis from William south to the Arena site, which will result in three traffic lanes, curb, gutter and sidewalks.
- ii) The City desires to reconstruct St. Francis from William north to Douglas, with a similar result as that to be provided south of William in order to accommodate additional traffic generated as a consequence of the Arena.
- iii) The City agrees to manage the design, bidding and construction of a project to reconstruct St. Francis from William to Douglas, including paving, drainage, sidewalk, lighting and streetscaping improvements; and conversion of the street segment to two-way traffic.
- iv) The County will pay for the entire reconstruction of St. Francis from Douglas to the Arena north parking lot, either by contracting directly with one or more vendors or by reimbursing the City for its actual payments to all utilized vendors. The cost to the County for this work will not exceed \$646,000.

### b) **Emporia from Waterman to William**

- i) The County has contracted for the resurfacing of the east half of Emporia, and the reconstruction of the east curb of Emporia adjacent to the Arena from Waterman to William all within and adjacent to the current Arena construction project.
- ii) The City desires to reconstruct the full section of Emporia, from and including the east curb line (the same being generally the westerly extent of the Arena construction) to the west right-of-way line, and from Waterman to William, by separate project.
- iii) The City agrees to manage the design, bidding and construction of a project to reconstruct Emporia from Waterman to William, from and including the east curb line to the west right-of-way line, including paving, drainage, sidewalk, lighting and streetscaping improvements.
- iv) The County will pay for the entire reconstruction of Emporia from Waterman to William, by reimbursing the City for its actual payments to all utilized vendors. The cost to the County for this work will not exceed \$903,738.

### c) **Topeka from Waterman to Kellogg**

- i) The County needs to reconstruct and convert to two-way traffic Topeka from Waterman to Kellogg in order to accommodate additional traffic generated as a consequence of the Arena.
- ii) The City and County desire to coordinate the improvement of Topeka from Waterman to Kellogg, for full reconstruction.

- iii) The City agrees to manage the design and construction of a project to reconstruct Topeka from Waterman to Kellogg, including paving, drainage, sidewalk, lighting and streetscaping improvements; and conversion of the street segment to two-way traffic.
- iv) The County will pay for the entire reconstruction of Topeka from Waterman to Kellogg, by reimbursing the City for its actual payments to all utilized vendors. The cost of the street reconstruction to the County will not exceed \$1,348,503.
- d) **William from Emporia to Commerce**
  - i) The City desires to reconstruct the full section of William, from Emporia to Commerce in order to accommodate additional traffic generated as a consequence of the Arena.
  - ii) The City agrees to manage the design, bidding and construction of a project to reconstruct William from Emporia to Commerce, including paving, drainage, sidewalk, lighting and streetscaping improvements; and conversion of the street segment to two-way traffic.
  - iii) The County will pay for the entire reconstruction of William from Emporia to Commerce, by reimbursing the City for its actual payments to all utilized vendors. The cost to the County for this work will not exceed \$739,958.
- e) **Waterman and Washington intersection**
  - i) The County needs to make improvements to the Waterman and Washington intersection to add turn lanes to accommodate additional traffic generated as a consequence of the Arena.
  - ii) The County's contract with the Arena Design Consortium (ADC) includes engineering services to design, bid and administer street improvements at this intersection.
  - iii) County shall be responsible and pay for all land and right of way acquisitions required west of the centerline of Washington as well as any necessary building demolition.
  - iv) City shall be responsible for all bidding, day-to-day project management, and inspections required for this project. The City shall have final authority in regard to bidding, contracting and administration of the project. City shall be responsible for all legal representation concerning the construction of the improvements. The County shall be responsible for all legal representation and matters needed to acquire the required right of way.
  - v) The County will pay for all land acquisition, demolition and the entire reconstruction of the Waterman and Washington intersection, either by contracting directly with one or more vendors or by reimbursing the City for its actual payments to all utilized vendors. The expected total cost to the County for property acquisition and demolition is \$3,700,000. The cost of the street reconstruction to the County will not exceed \$1,611,742.
- f) **Burlington Northern-Santa Fe overpass at Waterman**
  - i) Sedgwick County has the desire to make cosmetic improvements at the railroad overpass at Waterman in order to make arrivals at the Arena more attractive and to enhance pedestrian safety.
  - ii) The improvements generally consist of: removal of small trees at abutments and concrete collars at piers under bridge; concrete work to include encasing center steel

- piers in concrete barrier wall per Professional Engineer Consultants, P.A. drawings; cleaning and painting existing handrail; repairing chipped areas of bridge parapet and applying shotcrete product in accordance with manufacturer's recommended concrete repair procedures; applying masonry coating to abutment walls, wing walls, bridge parapet wall and fascia beam per manufacturer's recommended procedures; cleaning existing wood panels at abutment walls and painting; electrical work to include maintaining existing electrical feed from the southeast corner of underpass control panel, installing 12 new light fixtures similar to those being installed on the existing railroad corridor project and new flashing beacons and warning lights.
- iii) The County is requesting assistance from the City to help facilitate this effort.
  - iv) The Improvements shall be administered and financed in the following manner:
    - 1) City will execute change order documentation for the work described above in paragraph 1-e(ii) to Dondlinger Construction who the City currently is under contract with for its current Waterman street project.
    - 2) County will reimburse the City for the entire costs of these cosmetic improvements. The cost of these improvements to the County will not exceed \$168,509.00.
    - 3) County shall be responsible for all day-to-day project management, and inspections required for this project. County shall be responsible for all testing of improvements that are not the responsibility of the contractor, based on project specifications. The County shall have final authority in regard to scope, budget, contracting and administration of the project. County shall be responsible for all legal matters concerning the improvements.
    - 4) To the extent permitted by law, County does hereby release, discharge, indemnify and hold harmless the City, its agents, servants and employees from any and all liability and damages of whatsoever nature and arising from errors and omissions from the design of the project or from errors and omission resulting from construction means and methods used in the construction of the project. This release and indemnity shall survive termination of this Agreement.
  - v) This Agreement does not negate any prior or existing agreements between the City and BNSF in reference to future maintenance of the bridge.

## **2) UTILITY IMPROVEMENTS**

- a) **Water and sewer system adjacent to arena**
  - i) The City needs to construct a new water line extending north from the English and Emporia intersection, east on William, and south on Commerce, including necessary pavement repair and replacement, that is not a consequence of the Arena.
  - ii) The City needs to make improvements in the sanitary sewer system extending south at William alley (west of St. Francis) to the Arena parking lot and east to Commerce; and from William south along Commerce, including necessary pavement repair and replacement that are not a consequences of the Arena.
  - iii) The Improvements referred to above shall be administered and financed in the following manner:
    - 1) The County has accepted a bid for the Arena construction project that provided separate pricing for the utility work referred to above. That work is referred to in the Construction Documents as "Additional Bid Parts 1, 3, and 4". The County

shall have final authority in regard to contracting, day to day management and administration of the project.

- 2) The City shall be responsible for inspections required for the work identified in Bid Parts 1, 3 and 4. City shall be responsible for all testing of improvements for Bid Parts 1, 3 and 4 that are not the responsibility of the contractor, based on project specifications. This may include television inspection, pressure testing, water quality testing and other testing that is normally performed by the City. The City shall be responsible for all legal matters concerning the improvements for Bid Parts 1, 3 and 4.
  - 3) The City will entirely pay for the new water line and the improvements in the sanitary sewer system encompassed by Bid Parts 1, 3 and 4, by reimbursing the County for its actual payments for this purpose to all utilized vendors. The cost to the City for this work will not exceed \$632,291.
- b) **Water and sewer system at Waterman and Washington intersection**
- i) The City needs to extend the new water supply line in Waterman to the Washington intersection, and from the Washington intersection to the intersection of Lewis & Ida Streets, including associated pavement removal and replacement that is not a consequence of the Arena.
  - ii) The City needs to reconstruct a portion of its existing sanitary sewer system, within the Washington & Waterman intersection, to accommodate the proposed storm sewer and water line improvements. This work includes associated pavement removal and replacement and is not a consequence of the Arena.
  - iii) The City intends to contract with PEC for engineering design services for water and storm sewer upsizing improvements and sanitary sewer reconstruction within the Waterman and Washington project limits.
  - iv) The City will entirely pay for the new water line and the sanitary sewer system reconstruction, by contracting directly with one or more vendors. The estimated cost to the City for this work will be \$1,147,810. This is a distinct project to be coordinated with the County-funded Washington and Waterman intersection improvements described above at section1) e).
- c) **Storm Water sewer system**
- i) The City needs to have 29' of new 15" storm sewer removed that is located on the west side of the Arena and replaced with 65' of 24" storm sewer, all as detailed in the Construction Modification #31 that amends the contract the County has with it's general contractor, Dondlinger / Hunt, A Joint Venture (D/H). This document is available for reference upon request. The net cost of this improvement, to be paid by the City, is \$960.
  - ii) The City will entirely pay for the storm water sewer system upgrade reconstruction at the Washington and Waterman intersection, by contracting directly with one or more vendors. The estimated cost to the City for this work will be \$227,568. This is a distinct project to be coordinated with the County-funded Washington and Waterman intersection improvements described above at section1) e).
- 3) **FUTURE MAINTENANCE.** After the City accepts the street, water, and sanitary sewer improvements at completion, the City shall thereafter assume all liability for maintenance and repair. The responsibility of City for maintenance and repair of the Improvements shall survive the termination of this Agreement.

4) **MISCELLANEOUS PROVISIONS**

- a) County and City may invoice each other monthly for the work completed by the end of each month. Each shall pay the other within 30 days of receipt of invoice.
- b) Cost savings may be realized on individual street improvement projects described in Section 1. The parties agree that such funds may be shifted to any other Section 1 project as needed to meet actual costs, if any exceed the Section 1 stated cost limits. Upon completion of the improvements specified in Section 1, the City will pay the County the difference between the actual costs of the improvements and the amount paid for them by the County if the sum of all such costs is less than \$5,214,450.
- c) Upon completion of the improvements specified in Section 2a, the County will pay the City the difference between the actual costs of the improvements and the amount paid for them by the City if the sum of all such costs is less than \$632,291.
- d) City and County acknowledge that the cost of each improvement specified herein is an estimate. City and County agree to take all reasonable and customary steps to assure actual costs do not exceed the estimates. City and County agree to meet and negotiate in good faith if actual costs incurred by either party are greater than the not to exceed amounts paid to it by the other party.
- e) To the extent permitted by law, each party does hereby release, discharge, indemnify and hold harmless the other, its agents, servants and employees from any and all liability and damages of whatsoever nature and arising from errors and omissions from the design of the project or from errors and omission resulting from construction means and methods used in the construction of the project occasioned by the party or its contractors. This release and indemnity shall survive termination of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

THE CITY OF WICHITA, KANSAS

\_\_\_\_\_  
THOMAS G. WINTERS  
Chairman, Third District

\_\_\_\_\_  
CARL BREWER  
Mayor

ATTEST:

ATTEST:

\_\_\_\_\_  
DON BRACE  
County Clerk

\_\_\_\_\_  
KAREN SUBLETT  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
ROBERT W. PARNACOTT  
Assistant County Counselor

\_\_\_\_\_  
GARY E. REBENSTORF  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
Steve Claassen  
Director of Facilities

City of Wichita  
City Council Meeting  
October 23, 2008

**TO:** Mayor and City Council

**SUBJECT:** Resolution Considering the Expansion of the Center City South Redevelopment District (Tax Increment Financing) (Districts I & VI)

**INITIATED BY:** Office of Urban Development

**AGENDA:** New Business

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**Recommendation:** Adopt the resolution setting a public hearing for consideration of expansion of the redevelopment district.

**Background:** On August 5, 2008, the City Council held a public hearing on the expansion of the Center City South Redevelopment District for the purpose of providing tax increment financing (TIF) to fund various infrastructure projects needed in the area of Downtown Wichita surrounding the new Intrust Bank Arena. The original boundaries of the Center City South TIF district, established in 2007, are Main Street, First Street, Broadway and English. The expanded district's boundaries were Main Street, properties fronting the north side of Douglas (except in the original area), the Central Rail Corridor (except the Arena property) and Kellogg. On August 12, 2008 the Council adopted an ordinance approving the expansion.

On August 26, 2008, the City Council rescinded the ordinance approving the expansion of the TIF district in response to a letter from the Sedgwick County Manager on behalf of the Board of Commissioners of Sedgwick County, in which he raised a number of issues with the scope and purposes of the expanded TIF district. On September 3, 2008 the Sedgwick County Board of County Commissioners voted to disapprove the expansion of the district. Since then, the Mayor and Vice Mayor have held a series of meetings with the Chair and Vice Chair of the Board of County Commissioners to address the issues raised by the County, which have resulted in a solution that will allow the City to finance specified infrastructure projects using TIF from a smaller expanded TIF district and subject to a cap on TIF revenue available for such purpose.

In order to expand the Center City South Redevelopment District, the City Council must first pass a resolution setting a new public hearing for consideration of the expansion.

**Analysis:** The new area proposed for the redevelopment district is shown on Exhibit 'A' to the attached resolution. The area is bounded on the east by the Central Rail Corridor (except for arena property) and St. Francis Avenue, on the south by Lewis Street, on the west by Market and Main Streets, and on the north by Douglas Avenue and 1st Street North. This is an area that qualifies as a conservation area under the state TIF statutes. State law allows cities to establish redevelopment districts in qualified areas and then later identify one or more specific redevelopment projects within the district for purposes of providing tax increment financing to pay eligible project costs.

Tax increment financing allows the increased tax revenue resulting from increased property values in an area to be reinvested in the redevelopment of the area. Once a TIF district is established and a redevelopment project plan is adopted by the City Council, the increment of increased tax revenue is set aside by the County Treasurer, to be used by the City to repay bonds issued to finance improvements that are specified in redevelopment project plans. Multiple projects may be undertaken within a

redevelopment district. Each project must be completed and all bonds retired within 20 years of the adoption of each project plan. Project plans may also stipulate that a percentage or not-to-exceed amount of TIF revenue shall be used to pay TIF bonds, with the remainder to be distributed to the City, County and School District as general tax revenue.

The first step for expansion of a TIF district is the adoption of a resolution which states that the City Council is considering the expansion of the district and sets the date for a public hearing on the matter. The public hearing must be held not less than 30 days or more than 70 days from the date the resolution is passed. The earliest regular meeting date available for the public hearing is December 2, 2008. After closing the public hearing, the City Council may adopt an ordinance expanding the redevelopment district. After that, and from time-to-time, the City Council may adopt detailed project plans and approve development agreements for implementation of specific redevelopment projects within the district.

The resolution directs the City Clerk to publish the resolution in the City's official newspaper and to mail copies, by certified mail, to the owners and occupants of all property located within the district and to the Board of County Commissioners and Board of Education. The resolution includes exhibits a map of the proposed district and a proposed district plan identifying potential redevelopment project areas and a description of facilities to be constructed or improved using TIF. The district plan is also incorporated into the ordinance establishing or expanding the district.

The City and County leaders who met to resolve issues relating to expanding the TIF district have agreed to three guiding principals to be incorporated in the attached district plan for the expanded district. First, the boundaries of the expansion area, as described above, have been reduced from the prior expansion boundaries. Second, the district plan stipulates that all future project plans for redevelopment projects located within the expansion area will include a cap of 70% of TIF revenue that can be used to pay for TIF-funded improvements in the expansion area. And third, the district plan lists specific street improvement projects that can be financed with TIF. Any addition to the list of approved projects, including other infrastructure, parking facilities or land acquisition, will require amendment of the district plan with the approval of Sedgwick County and U.S.D. 259.

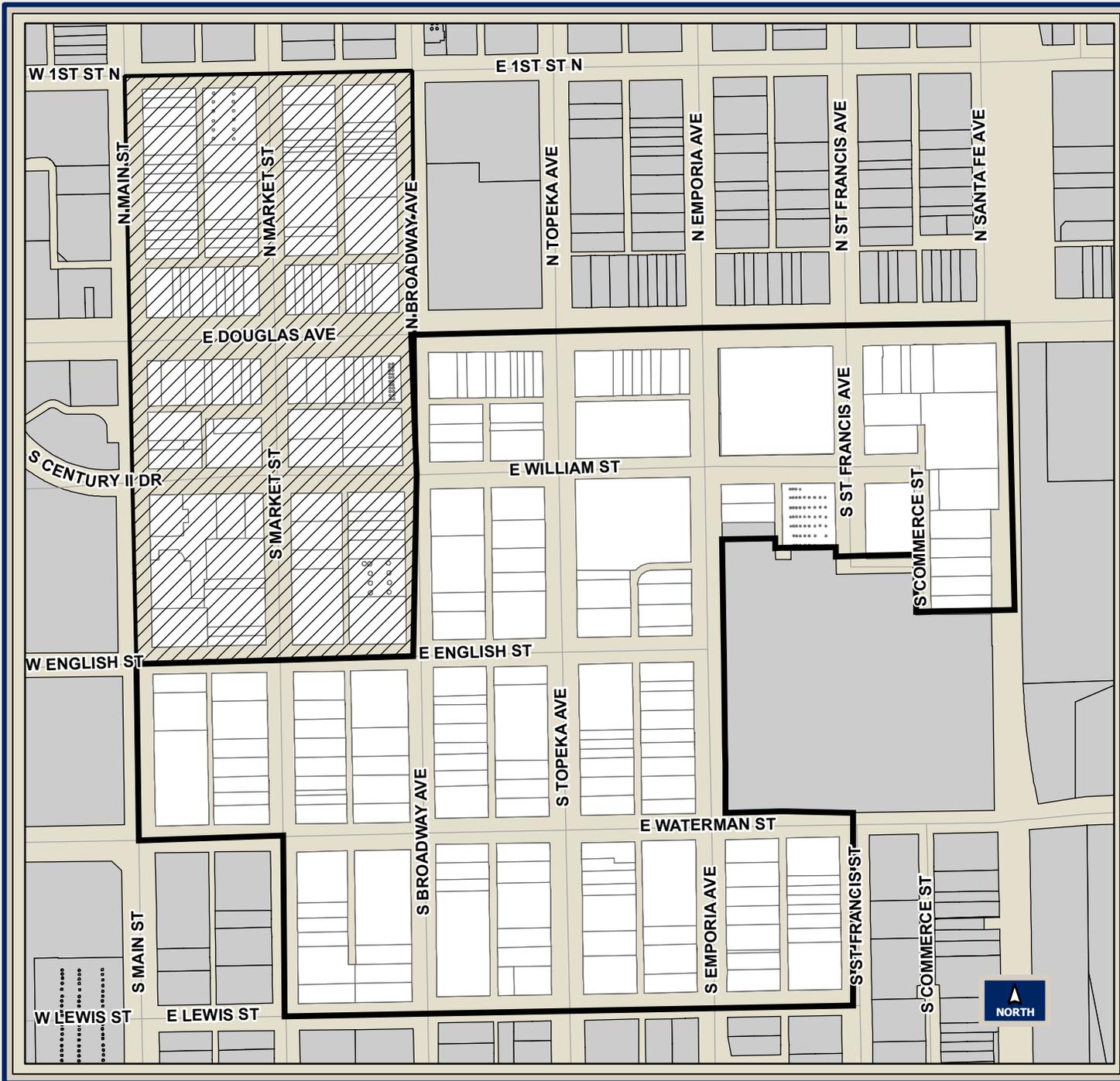
**Financial Considerations:** The cost of mailing the resolution to all owners and occupants of property located within the proposed district will be charged to Economic Development Fund.

**Goal Impact:** Economic Vitality and Affordable Living, Core Area Neighborhoods and Quality of Life. Redevelopment of blighted areas, and declining areas, are needed to avoid economic stagnation. Business prospects and workers seeking to relocate are attracted to a new city that takes care of its older sections.

**Legal Considerations:** During a 30-day period following the public hearing, the Sedgwick County Board of County Commissioners and the USD 259 Board of Education will have the right to veto the expansion of the redevelopment district. Any substantial change to the district plan requires amending the plan, following the same procedures used to establish or expand the district, including notice and hearing, adoption of an approving ordinance and a 30-day period for veto by the County or School District.

**Recommendation/Action:** It is recommended that the City Council adopt the resolution providing notice of consideration for the proposed expansion of the Center City South redevelopment district and setting a public hearing for December 2, 2008.

**Attachments:** Resolution and Exhibits



## Expanded Center City South Redevelopment District

City of Wichita, Kansas

- Existing District
- Expanded District
- Property Parcels outside Redevelopment District
- Property Parcels inside Redevelopment District

Software: ArcGIS 9.3  
 Hardware: Printer: Xerox 7200DN  
 Map Data Source: Property Parcels provided by Sedgwick County GIS. Road Centerlines provided by City of Wichita

Friday, October 10, 2008 11:14:48 AM  
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It is understood that while the City of Wichita Data Center Geographical Information Systems Department have no indication and reason to believe that there are inaccuracies in information incorporated in the base map, the Data Center-GIS per



EXHIBIT "A"

Resolution No. \_\_\_\_\_

A RESOLUTION  
STATING THE CITY OF WICHITA IS CONSIDERING AN EXPANSION  
OF THE BOUNDARIES FOR THE  
CENTER CITY SOUTH REDEVELOPMENT DISTRICT  
UNDER AUTHORITY OF K.S.A. 12-1770 ET SEQ.

WHEREAS, by Ordinance No. 47-475 passed May 8, 2007, and published May 11, 2007, the City of Wichita (the “City”) established a redevelopment district pursuant to K.S.A. 12-1770 et seq., as amended (the “Act”) know as the Center City South Redevelopment District (the “Redevelopment District”); and

WHEREAS, the City, by Ordinance 47-475 adopted May 8, 2007, adopted a redevelopment district plan which identifies proposed redevelopment areas and proposed buildings and facilities to be constructed or improved; and

WHEREAS, the City, by Ordinance No. 47-526 passed on July 24, 2007, adopted the Project Plan for the Exchange Place Redevelopment Project; and

WHEREAS, the City desires to expand the boundaries of the Redevelopment District; and

WHEREAS, the original boundaries of the Redevelopment District and the area proposed to be added to the original boundaries of the Redevelopment District are set forth by a map and legal description in **Exhibit A** and a narrative description of the district in **Exhibit B** attached hereto; and

WHEREAS, the City intends to use Tax Increment Financing to fund infrastructure improvements as set forth in the district plan for the expansion area of the Redevelopment District attached hereto as **Exhibit C**; and

WHEREAS, pursuant to K.S.A. 1771(e) the City may add to the Redevelopment District subject to the same procedure for public notice and hearing as is required for the establishment of the district;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS;

1. That the City is considering an expansion of the boundaries for the Center City South Redevelopment District as shown on **Exhibit A**.

2. That the City will hold a public hearing to consider the expansion of such redevelopment district on December 2, 2008, at 9:00 a.m., or as soon thereafter as possible, in the City Council Chambers, City Hall, 455 North Main Street, Wichita, Kansas.

3. The preliminary redevelopment district plan for the redevelopment is described in **Exhibit C** attached to this Resolution.

4. The governing body will consider making findings and taking action necessary for the expansion of said Redevelopment District at the public hearing set to be heard herein.

5. A description and map of the proposed expanded Redevelopment District are available for inspection during the regular office hours in the office of the City Clerk, City Hall, 13<sup>th</sup> Floor, 455 N. Main, Wichita, Kansas.

6. A copy of this Resolution shall be sent by certified mail, return receipt requested, to the Board of Commissioners of Sedgwick County, Kansas, and the Board of Education of Unified School District No. 259, Sedgwick County, Kansas. Copies of this Resolution also shall be mailed by certified mail, return receipt requested, to each owner and occupant of land within the proposed redevelopment district not more than 10 days following the date of adoption of this Resolution. This Resolution and **Exhibits A, B and C** attached to this Resolution shall be published once in the official City newspaper not less than one week or more than two weeks preceding the date fixed for the public hearing.

ADOPTED by the Governing Body of the City of Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

## **EXHIBIT "C"**

### **DISTRICT PLAN FOR THE REDEVELOPMENT OF THE CENTER CITY SOUTH REDEVELOPMENT DISTRICT THROUGH TAX INCREMENT FINANCING**

**October 23, 2008**

#### **SECTION 1: PURPOSE**

A district plan is required for inclusion in the establishment or expansion of a redevelopment district under K.S.A. 12-1771(a). The district plan is a preliminary plan that identifies proposed redevelopment project areas within the district, and describes in a general manner the buildings and facilities to be constructed, reconstructed or improved.

#### **SECTION 2: DESCRIPTION OF TAX INCREMENT FINANCING**

Projects financed through tax increment financing typically involve the creation of an "increment" in real estate property tax revenue. The increment is generated by segregating the assessed values of real property located within a defined geographic area such that a portion of the resulting property taxes are paid to the City to fund one or more redevelopment projects in the redevelopment district, and the remaining portion is paid to all taxing jurisdictions. The portion of property taxes paid to the City in this way is determined by the increase in assessed value of the properties within the redevelopment district as a result of the new development occurring within the area. When the aggregate property tax rates of all taxing jurisdictions are applied to this increase in assessed property value, tax increment revenue is generated. Certain improvements within the district may be funded by the City and repaid over a specified period of time with this incremental revenue. The property taxes attributable to the assessed value existing prior to redevelopment, the "original valuation," are distributed to all taxing jurisdictions just as they were prior to redevelopment.

#### **SECTION 3: BUILDINGS AND FACILITIES**

The proposed redevelopment district is within the city limits of Wichita, Kansas. The district is generally bounded on the east by the Central Rail Corridor, Emporia Avenue and St. Francis Street, on the south by Lewis and Waterman Streets, on the west by Market and Main Streets, and on the north by Douglas Avenue and 1st Street North. Property owned by Sedgwick County and used for the Intrust Bank Arena is excluded from the redevelopment district.

The area included in the proposed district qualifies as a conservation area under state law governing the use of tax increment financing. A majority of the buildings in the area are more than 50 years old, many of which were built before 1930. Except for the Douglas Avenue corridor, most of the proposed redevelopment district is less densely developed than the northern part of Downtown Wichita, with more low-rise office, retail and warehouse structures and open parking lots. Over the years, many of the higher-density buildings in the area have been removed, leading to a pattern of under-utilization of property. Many of the surviving older buildings are showing signs of delapidation and need of rehabilitation.

#### **SECTION 4: REDEVELOPMENT**

The proposed district is located in an important redevelopment area within the City of Wichita, surrounding the site of the new Sedgwick County Arena, which is located between Emporia Avenue and the railroad tracks, between William and Waterman Streets. The redevelopment of this area has been the object of a major land-use and redevelopment planning project, called the Arena Neighborhood Redevelopment Plan. The Plan identifies and recommends a variety of land uses and infrastructure improvements to influence and guide the redevelopment of the area that is expected as a result of the construction of the arena. The establishment of the proposed redevelopment district will provide an appropriate source of funding to assist the City in providing infrastructure improvements and partnering with private developers in bringing new developments to the area.

The Arena Neighborhood Redevelopment Plan has conceptually divided the redevelopment district into four major redevelopment project areas, each with a distinct redevelopment goal. The *Douglas Avenue Corridor District*

## EXHIBIT "C"

project area is located generally in the norther portion of the redevelopment district along Douglas Avenue and for which the redevelopment goal is to be a high intensity business corridor, primarily office and support commercial uses with upper level residential opportunities. The goal of the *English/William Street District* project area which is located generally in the center portion of the redevelopment district along English Street and William Street is to be a walkable urban mixed-use district of primarily commercial and office uses as well as public and residential uses. The *Broadway Neighborhood District* project area which is located generally in the southern portion of the redevelopment district and includes the area from Waterman to Kellogg and from Main to Emporia. Its goal is to redevelop as an urban residential environment with support commercial opportunities serving residents and Kellogg users. The *Commerce Street Arts District* project area which is located generally in the eastern portion of the redevelopment district and is to be a unique experiential arts area with live / work studio opportunities.

It is anticipated that there will be a number of individual redevelopment projects undertaken within the proposed redevelopment district, which will qualify for assistance from tax increment financing. Several are currently in various stages of preparation at this time. Projects will include mixed-use developments, residential, office, retail, entertainment, hotels and other uses. They will include demolition and new construction as well as rehabilitation of existing buildings.

### SECTION 5: USE OF TAX INCREMENT FINANCING

Tax increment financing may generally be used for property acquisition, site preparation, utilities, drainage, street improvements, streetscape amenities, public outdoor spaces, landscaping and parking facilities in the redevelopment district; provided, however, that within the expansion area being added to the original Center City South Redevelopment District, which was established on May 8, 2007, by Ordinance No. 47-475, it is the expressed intent of the City of Wichita to limit the use of tax increment financing within the expansion area of the Center City South Redevelopment District to finance the costs of constructing, reconstructing and improving the following street segments, intersections, streetscape improvements, landscaping, lighting and signage projects, including the costs of design, engineering, surveying and inspection:

Market Street, Lewis Street to Douglas Avenue  
Topeka Avenue, Lewis Street to Douglas Avenue  
Emporia Avenue, Lewis Street to Douglas Avenue  
St. Francis Avenue, William Street to Douglas Avenue  
St. Francis Avenue, Lewis Street to Waterman Street  
William Street, Main Street to Commerce Street  
English Street, Main Street to Emporia Avenue  
Lewis Street, Market Street to St. Francis Avenue  
Wayfinding Improvements including Streetscape Design Manual

In addition to limiting the use of tax increment financing to the above specified improvement projects, the City will stipulate in the project plans for any redevelopment project located within the expansion area that an amount equal to seventy percent (70%) of the tax increment realized from taxpayers in the expansion area shall be allocated by the County Treasurer to the City to finance authorized project costs and the remainder shall be allocated and paid to taxing districts in the same manner as other ad valorem taxes. The limits described in this section shall not apply to redevelopment projects located in the original Center City South Redevelopment District.

### SECTION 6: PROJECT PLANS

Per statute, any proposed redevelopment projects will be presented to the Governing Body in segments through the adoption of separate redevelopment Project Plans. Each Project Plan will identify specific project areas located within the established redevelopment district and will include detailed descriptions of the projects as well as a financial feasibility study that shows the economic benefits out-weigh the costs. Project Plans must be reviewed by the Metropolitan Area Planning Commission and submitted to a public hearing following proper notification of property owners and occupants, before they can be adopted by a two-thirds majority vote of the Governing Body. Only then can tax increment income be spent on redevelopment projects.

EXHIBIT B

**Legal Description of the Center City South  
Redevelopment District**

All property located in Wichita, Sedgwick County, Kansas within the boundaries beginning at the intersection of the centerline of Main Street and the north right of way line of 1st Street North; thence east to the east right of way line of Broadway Avenue; thence south to the north right of way line of Douglas Avenue; thence east to the east right of way line of Santa Fe Avenue; thence south to the south right of way line of Waterman Street; thence west to the east right of way line of St. Francis Street; thence south to the south right of way line of Lewis Street; thence west to the west right of way line of Market Street; thence north to the south right of way line of Waterman Street; thence west to the centerline of Main Street; thence north to the point of beginning; excluding Lot 1 Block 1 Sedgwick County Arena Addition; and including all street rights of way within such described area.

City of Wichita  
City Council Meeting  
October 23, 2008

**TO:** Mayor and City Council

**SUBJECT:** Resolution Considering the Adoption of a Redevelopment Plan (Tax Increment Financing), C.O.R.E. Redevelopment District (District VI)

**INITIATED BY:** Office of Urban Development

**AGENDA:** New Business

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**Recommendations:** Adopt the Resolution.

**Background:** On April 8, 2008, the City Council adopted an ordinance establishing a redevelopment district in the area northeast of Central and Topeka for the purpose of providing tax increment financing (TIF) to pay a portion of the costs of a redevelopment project in that area. The next step in establishing the legal authority to use tax increment financing is the adoption by the City Council of a redevelopment project plan, which provides more detailed information on the proposed project and how tax increment financing would be used, and demonstrates how the projected increase in property tax revenue will amortize the costs financed with tax increment financing.

Similar to the process for establishing the TIF district, adoption of the TIF project plan also requires a public hearing to be held by the City Council, following the giving of proper notice, prior to adopting an ordinance that approves the project plan. The action needed to set the public hearing is by adoption of a resolution.

**Analysis:** The developer has presented the details of a redevelopment project in the C.O.R.E. area, which is referred to as the Renaissance Square Project. A Project Plan has been prepared in consultation with the Wichita-Sedgwick County Metropolitan Planning Commission, which has made a finding that the project is consistent with the Comprehensive Plan for development of the area. The date of December 2, 2008 at the regular City Council meeting is proposed for the public hearing on the Renaissance Square Project Plan.

If adopted by the City Council, the attached resolution calling for the public hearing will be sent to the owners and occupants of all property located within the C.O.R.E. Redevelopment District, by certified mail. The resolution includes a map that shows the boundaries of the redevelopment district. The resolution will also be published in the *Wichita Eagle* and copies will be provided to the Board of County Commissioners and Board of Education.

After closing the public hearing, the City Council may adopt the Project Plan by ordinance, by two-thirds majority vote. Once adopted, the City will be authorized to use tax increment financing to finance eligible project costs. However, any expenditure of public funds on any project costs will be governed by the terms of a development agreement to be approved by the City Council, and all other necessary proceedings governing the expenditure of public funds.

**Financial Considerations:** All costs of reproducing, mailing and publishing the resolution will be paid from the City's Economic Development Fund and will be ultimately reimbursed from the proceeds of tax increment financing.

**Goal Impact:** Economic Vitality and Affordable Living and Quality of Life. Redevelopment of blighted and declining areas are needed to avoid economic stagnation. Business prospects and workers seeking to relocate are attracted to a city that takes care of its older sections.

**Legal Considerations:** The attached Resolution has been reviewed by the Department of Law and approved as to form.

**Recommendation/Action:** It is recommended that the City Council adopt the resolution and authorize the necessary signatures.

**Attachment(s):** Resolution Considering the Adoption of a Redevelopment Plan (Tax Increment Financing), C.O.R.E. Redevelopment District

Published in the Wichita Eagle on October 27, 2008

Resolution No. \_\_\_\_\_

**A RESOLUTION STATING THE CITY OF WICHITA IS CONSIDERING THE ADOPTION OF A REDEVELOPMENT PROJECT PLAN FOR THE C.O.R.E. REDEVELOPMENT DISTRICT.**

WHEREAS, by Ordinance No. 47-867 adopted April 8, 2008, and published April 11, 2008, the City of Wichita established a redevelopment district pursuant to K.S.A. 12-1770 et seq., as amended, known as the C.O.R.E. Redevelopment District; and

WHEREAS, the City, by Resolution No. 08-083 passed February 12<sup>th</sup>, 2008, adopted a redevelopment district plan which identifies proposed redevelopment areas and proposed buildings and facilities to be constructed or improved; and

WHEREAS, the City of Wichita proposes to undertake a Redevelopment Project within the C.O.R.E. Redevelopment District, known as Renaissance Square Project, consisting of two seven-story buildings with office/retail space and residential condominiums, several brownstone-typ row houses, retail space, office space, a grocery store, neighborhood park and low-income, senior/disabled and market rate apartments, and related public improvements as set out in the Redevelopment Project Plan; and

WHEREAS, the City has prepared a Redevelopment Project Plan for said Project in accordance with K.S.A. 12-1772 and is considering the adopting of the Plan; and

WHEREAS, a relocation assistance plan under K.S.A. 12-1777 is included in the Redevelopment Project Plan; and

WHEREAS, the Wichita Sedgwick County Metropolitan Area Planning Commission has reviewed the proposed Redevelopment Project Plan and determined that the Redevelopment Project Plan is consistent with the comprehensive general plan for the development of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

1. The City of Wichita is considering the adoption of a Redevelopment Project Plan for the C.O.R.E. Redevelopment District.
2. The City of Wichita will hold a public hearing to consider the adoption of the Redevelopment Project Plan on the 2nd day of December, 2008, at 9:00 a.m., or as soon thereafter as possible, in the City Council Chambers, City Hall, 455 N. Main, Wichita, Kansas.
3. The Redevelopment Project will be located within the C.O.R.E. Redevelopment

District, the boundaries of which are set forth in Exhibit "A" attached hereto. The boundaries of the area proposed to be included in the Redevelopment Project area are also set forth in Exhibit "A" attached hereto.

4. The Renaissance Square Redevelopment Project Plan and a map of the area to be redeveloped are available for inspection during the regular office hours in the office of the City Clerk, City Hall, 13th Floor, 455 N. Main, Wichita, Kansas. The Redevelopment Project Plan includes the feasibility study, comprehensive plan, maps and boundary descriptions, descriptions of the public improvement projects, and other information pertinent to the project.

5. The governing body will consider making findings and taking action necessary for the adoption of the Redevelopment Project Plan at the public hearing set to be heard herein.

6. It is determined and notice is hereby given that the City may issue full faith and credit tax increment bonds pursuant to K.S.A. 12-1774, as amended, to finance the Redevelopment Project, in whole or in part.

7. A copy of this Resolution shall be delivered to the Sedgwick County Board of County Commissioners and to the Board of Education of Unified School District No. 259. Copies of this Resolution shall also be mailed by certified mail to each owner and occupant of land within the proposed redevelopment project area not more than ten (10) days following the date of adoption of this Resolution.

8. This Resolution shall be published once in the official City newspaper not less than one week or more than two weeks preceding the date fixed for the public hearing. Such publication shall include Exhibit "A" which is a sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the project area.

ADOPTED this 23<sup>rd</sup> day of October, 2008.

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Rebenstorf, City Attorney



**Proposed  
C.O.R.E.  
Redevelopment  
District**

City of Wichita, Kansas

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C.O.R.E. Redevelopment District and Project Area  
 Property Parcels Inside Redevelopment District  
 Property Parcels outside Redevelopment District

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Software: ArcGIS 4.1  
 Hardware: Dell Xeon  
 Printer: HP 5000 Plotter  
  
 Map Data Source:  
 Property Parcels  
 provided by  
 Sedgwick County GIS  
  
 Road Centerlines  
 provided by  
 City of Wichita  
  
Wednesday, January 23, 2008 7:55:21 AM  
 C:\projects\Proposed\GIS\Map.doc

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This is an unapproved draft map of the City of Wichita. The Center  
 Engineering and Information Systems Department does not warrant  
 the accuracy of the information contained herein. The City of Wichita  
 is not responsible for the accuracy of the information contained herein.




EXHIBIT "A"

## EXHIBIT A

Legal Description of the C.O.R.E  
Redevelopment District

All property located between the south right of way line of Central Avenue on the south, the north right of way line of Murdock Avenue on the north, the east right of way line of Santa Fe Avenue on the east and the west lot line of lots 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64 and 66 on Topeka Avenue in J.P. Hilton's addition; and the north 45 feet of lot 10 excluding the west 2 feet, in J.P. Hilton's Addition; and south 75 feet of lot 10, J.P. Hilton's Addition; and beginning at the southeast corner of the reserve on Topeka in J.P. Hilton's addition, then west 140 feet, then north 280 feet, then east 140 feet, then south 280 feet to the point of beginning; in Wichita, Sedgwick County, Kansas; and including all street rights of way within such described areas.

City of Wichita  
City Council Meeting  
October 23, 2008

**TO:** Mayor and Members of the City Council

**SUBJECT:** Charter Ordinance – City Primary Elections

**INITIATED BY:** Law Department

**AGENDA:** New Business

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**Recommendation:** Approve the Charter Ordinance.

**Background:** In 1988, Wichita voters approved Charter Ordinances establishing elections by council district and direct election of a mayor. The primary and general election procedures adopted for those Home Rule ordinances paralleled election procedures established in State statutes for cities.

In 2008, the Kansas Legislature amended KSA 25-2108a pertaining to primary elections for cities, prohibiting a primary election for an office unless two or more persons are eliminated by the primary. The result is that general elections may involve up to three candidates (previously it was two). If there are three or less candidates for a position, there will be no primary election. The Legislative rationale for this amendment was to reduce the number of primary elections for Kansas cities (and school boards) and thereby reduce election costs.

This legislation (2008 HB 2307 and SB 562) is part of the non-uniform act for city elections and may be changed under Home Rule authority. The City Council may charter out of the new legislation and retain its current primary process or it may amend Charter Ordinance nos. 112 (Council) and 114 (Mayor) to reflect the intent of the new State law.

**Analysis:** The City's Charter Ordinances for primary elections will have to be amended because of the new State legislation. The proposed ordinance will exempt the City from the new State law and allow Wichita to continue to hold a primary election for an office whenever there are more than two candidates for a Council district or for Mayor.

This is a Charter Ordinance and requires approval by 2/3 of the City Council and is subject to a petition election.

**Financial Considerations:** There is no financial impact of the ordinance except for the costs of publication.

**Goal Impact:** The proposed amendment addresses the internal perspective in updating ordinances.

**Legal Considerations:** It is necessary to update the City's Charter Ordinances. The proposed Charter Ordinance has been drafted and approved as to form by the Law Department.

**Recommendation/Actions:** It is recommended that the City Council retain its current primary election procedure, place the Charter Ordinance on first reading, and that the Charter Ordinance be published twice after final approval.

**Attachments:**  
Charter Ordinance

**CHARTER ORDINANCE NO. 208**

A CHARTER ORDINANCE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO PRIMARY ELECTIONS, EXEMPTING THE CITY OF WICHITA FROM K.S.A. 25-2108a.

WHEREAS, by Section 4 of Charter Ordinance no. 112 and Section 5 of Charter Ordinance no. 114, the City of Wichita adopted primary election procedures for district Council members and mayor; and

WHEREAS, the City of Wichita wishes to retain those procedures for primary elections even though the procedures under State statute have subsequently changed;

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS,

SECTION 1. The City of Wichita, Kansas, by virtue of the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself and hereby makes inapplicable to it the provisions of K.S.A. 25-2108a, which provisions are applicable to this city and not applicable uniformly to all cities, and provide substitute and additional provisions as heretofore set forth in Section 4 of Charter Ordinance no. 112 and Section 5 of Charter Ordinance no. 114.

SECTION 2. This ordinance shall be published once each week for two consecutive weeks in the official City paper.

SECTION 3. This is a charter ordinance and shall take effect sixty-one days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED BY THE GOVERNING BODY, not less than two-thirds of the members-elect voting in favor thereof this date, \_\_\_\_\_.

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

City of Wichita  
City Council Meeting  
October 23, 2008

**TO:** Mayor and City Council

**SUBJECT:** Adoption of Amended Bond Ordinance and Approval of Conversion and Assignments (DSW Broadview LLC (District VI))

**INITIATED BY:** Office of Urban Development

**AGENDA:** Consent Agenda

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**Recommendation:** Adopt the amended bond ordinance on second reading and approve the conversion and assignments.

**Background:** On October 7, 2008, the City Council approved first reading of the bond ordinance authorizing issuance of not-to-exceed \$25 million industrial revenue bonds (“IRBs”), along with several agreements between the City and DSW Broadview LLC for the acquisition and renovation of the Broadview Hotel and the management of the city-owned Broadview parking garage. DSW Broadview purchased the hotel through the bankruptcy court on October 9, 2008 using bridge financing. Closing for the issuance of an initial tranche of IRBs to finance the acquisition and other costs is scheduled for October 30, 2008.

On October 20, 2008, the City Law Department was notified by Drury Southwest, managing member of DSW Broadview LLC, that they had been informed by the Kansas Department of Revenue that contrary to earlier representations, DWS Broadview must be registered as a Kansas business entity, and not as a Missouri entity, in order to qualify for a State of Kansas liquor license. DSW Broadview has begun the process of registering as a Kansas limited liability corporation with the Kansas Secretary of State’s Office. Attorneys for the City and Drury have determined that the most efficacious procedure for addressing the change in entity is to amend the bond ordinance and approve the conversion of DSW Broadview to a Kansas-based entity and assignments of previously approved and executed agreements.

**Analysis:** The bond ordinance authorizing the issuance of City of Wichita IRBs, Series V, VI and VII 2008 (DSW Broadview LLC) that was approved on first reading on October 7, 2008 contained references to “DSW Broadview LLC, a Missouri limited liability corporation.” In the amended bond ordinance presented herewith for final adoption on second reading, the references have been changed to “DSW Broadview LLC, a Kansas limited liability corporation.” In addition, the various bond documents authorized by the ordinance have had the same changes made. No other changes have been made to bond documents.

Kansas law allows recorded agreements with business entities to be converted to new entities when the original entity changes from one type of entity to a new one, such as conversion from a Missouri-based entity to a Kansas-based entity. To accomplish this in this instance, an “Acknowledgement of Conversion” has been prepared to cover agreements with DSW Broadview that have been recorded, including the Douglas Avenue encroachment easement, the elevated walkway easement, the land-use restrictions on city-owned land at First and Waco, and the memorandum of the Parking Garage Management Agreement. In addition, assignments have been prepared to cover the full Parking Garage Management Agreement and the Option to Purchase the parking garage (collectively, the “Assignments”).

**Financial Considerations:** There is no financial impact to the City resulting from the amendments, conversion or assignments.

**Goal Impact:** Economic Vitality and Affordable Living and Core Area and Neighborhoods. The vitality of the downtown area and the viability of the Century II Convention Center are directly impacted by maintaining first-class hotels in the Core Area.

**Legal Considerations:** The amended bond ordinance and changes to the bond documents have been prepared by the City's bond counsel firm, Kutak Rock LLP. The Acknowledgement of Conversion and Assignments have been prepared by Drury Southwest. Attached documents have been reviewed by the Department of Law and approved as to form.

**Recommendations/Actions:** It is recommended that the City Council adopt the amended Bond Ordinance on second reading, approve the Acknowledgement of Conversion and Assignments, and authorize the necessary signatures.

**Attachments:** Amended Bond Ordinance  
Acknowledgement of Conversion  
Assignment of Parking Garage Management Agreement  
Assignment of Option to Purchase

(Published in *The Wichita Eagle*, October \_\_, 2008)

**ORDINANCE NO. 48-100**

AN ORDINANCE AUTHORIZING THE CITY OF WICHITA, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS, SERIES V, 2008; SERIES VI, 2008; AND SERIES VII, 2008 (DSW BROADVIEW, LLC) (TAXABLE UNDER FEDERAL LAW), IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$25,000,000 FOR THE PURPOSE OF CONSTRUCTING AND ACQUIRING A COMMERCIAL FACILITY; AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

**WHEREAS**, the City of Wichita, Kansas (the “Issuer”), is authorized by K.S.A. 12-1740 *et seq.*, as amended (the “Act”), to acquire, construct, improve and equip certain facilities (as defined in the Act) for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for such facilities, and to issue revenue bonds for the purpose of paying the costs of such facilities; and

**WHEREAS**, the Issuer has found and does find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its industrial revenue bonds in the aggregate principal amount of not to exceed \$25,000,000 (the “Bonds” as further described in this Ordinance), for the purpose of paying the costs of constructing and acquiring a commercial facility (the “Project”) as more fully described in the Indenture and in the Lease hereinafter authorized for lease by the Issuer to DSW Broadview, LLC, a Kansas limited liability company (the “Tenant”); and

**WHEREAS**, the Bonds and the interest thereon shall not be a general obligation of the Issuer, shall not be payable in any manner by taxation and shall be payable solely from the trust estate established under the Indenture, including revenues from the Lease of the Project; and

**WHEREAS**, the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of the Bonds to execute and deliver (i) a Trust Indenture dated as of October 1, 2008 (the “Indenture”), with Commerce Bank, N.A., Kansas City, Missouri, as trustee (the “Trustee”), prescribing the terms and conditions of issuing and securing the Bonds; (ii) a Lease dated as of October 1, 2008 (the “Lease”), with the Tenant in consideration of payments of Basic Rent and other payments provided for therein, (iii) a Bond Placement Agreement providing for the sale of the 2008 Bonds by the Issuer to the Tenant (the “BPA”); and (iv) and Administrative Service Fee Agreement between the City and the Tenant (the “Agreement”) (the Indenture, the Lease, the BPA and the Agreement are referred to collectively herein as the “Bond Documents”);

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:**

**Section 1. Authority to Cause the Project to be Constructed and Acquired.** The Governing Body of the Issuer hereby declares that the Project, if in being, would promote the welfare of the Issuer, and the Issuer is hereby authorized to cause the Project to be constructed and acquired all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized.

**Section 2. Authorization of and Security for the Bonds.** The Issuer is hereby authorized and directed to issue the Bonds in the aggregate principal amount of not to exceed \$25,000,000, to be designated “City of Wichita, Kansas, Industrial Revenue Bonds, Series V, 2008 (DSW Broadview, LLC) (Taxable Under Federal Law);” “City of Wichita, Kansas, Industrial Revenue Bonds, Series VI, 2008 (DSW Broadview, LLC) (Taxable Under Federal Law);” and “City of Wichita, Kansas, Industrial Revenue Bonds, Series VII, 2008 (DSW Broadview, LLC) (Taxable Under Federal Law).” The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Indenture. The Bonds shall be special limited obligations of the Issuer payable solely from the trust estate established under the Indenture, including revenues from the Lease of the Project. The Bonds shall not be general obligations of the Issuer, nor constitute a pledge of the full faith and credit of the Issuer and shall not be payable in any manner by taxation.

**Section 3. Lease of the Project.** The Issuer shall cause the Project to be leased to the Tenant pursuant to and in accordance with the provisions of the Lease in the form approved herein.

**Section 4. Execution of Bonds and Bond Documents.** The Mayor of the Issuer is hereby authorized and directed to execute the Bonds and deliver them to the Trustee for authentication on behalf of, and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor is further authorized and directed to execute and deliver the Bond Documents on behalf of, and as the act and deed of the Issuer in substantially the forms presented for review prior to final passage of this Ordinance, with such minor corrections or amendments thereto as the Mayor may approve, which approval shall be evidenced by his execution thereof, and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Ordinance and the Bond Documents. The City Clerk or any Deputy City Clerk of the Issuer is hereby authorized and directed to attest the execution of the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out the intent of this Ordinance under the Issuer’s official seal.

**Section 5. Pledge of the Project and Net Revenues.** The Issuer hereby pledges the Project and the net revenues generated under the Lease to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by such pledge shall be discharged when all of the Bonds shall be deemed to have been paid within the meaning of the Indenture.

**Section 6. Further Authority.** The officers, agents and employees of the Issuer are hereby authorized and directed to take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out the provisions of this Ordinance and to carry out and perform the duties of the Issuer with respect to the Bonds and the Bond Documents as necessary to give effect to the transactions contemplated in this Ordinance and in the Bond Documents.

**Section 7. Effective Date.** This Ordinance shall take effect from and after its final passage by the Governing Body of the Issuer, signature by the Mayor and publication once in the official newspaper of the Issuer.

**PASSED** by the Governing Body of the City of Wichita, Kansas, and approved by the Mayor on October 23, 2008.

CITY OF WICHITA, KANSAS

(Seal)

By \_\_\_\_\_  
Carl Brewer, Mayor

Attest:

By \_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

By \_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

AFTER RECORDING MAIL TO:  
DSW Broadview, LLC  
101 S. Farrar Drive  
Cape Girardeau, Missouri 63701  
Attn: Herbert J. Wedemeier

(Space left blank for recording purposes)

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ACKNOWLEDGMENT OF CONVERSION

THIS ACKNOWLEDGMENT OF CONVERSION (this “*Acknowledgment*”) is made and entered into as of the 23<sup>rd</sup> day of October, 2008 by the CITY OF WICHITA, KANSAS, a corporate body politic and political subdivision of the State of Kansas (the “*City*”).

WITNESSETH

WHEREAS, the City is party to the following documents (collectively, the “*Recorded Documents*”):

1. Declaration of Covered Drop Off, Roadway Encroachment and Signage Easement, dated as of October 7, 2008 and recorded on October \_\_, 2008 as document number \_\_\_\_\_ in the Official Records of the Office of the County Recorder of Sedgwick County, Kansas;
2. Declaration of Elevated Pedestrian Walkway Easement, dated as of October 7, 2008 and recorded on October \_\_, 2008 as document number \_\_\_\_\_ in the Official Records of the Office of the County Recorder of Sedgwick County, Kansas;
3. Declaration of Restrictions, dated as of October 7, 2008 and recorded on October \_\_, 2008 as document number \_\_\_\_\_ in the Official Records of the Office of the County Recorder of Sedgwick County, Kansas; and
4. Memorandum of Parking Garage Management Agreement, dated as of October 7, 2008 and recorded on October \_\_, 2008 as document number \_\_\_\_\_ in the Official Records of the Office of the County Recorder of Sedgwick County, Kansas.

WHEREAS, the Recorded Documents refer to DSW Broadview, LLC as a Missouri limited liability company.

WHEREAS, DSW Broadview, LLC, has been converted, pursuant to KSA 17-7684, to a Kansas limited liability company.

From and after the date hereof, any reference to DSW Broadview, LLC, in the Recorded Documents shall at all times refer to the Kansas limited liability company.

*[Signature Page Follows]*

IN WITNESS WHEREOF, the City has executed and delivered this Acknowledgment of the Conversion as of the day and year first above written.

CITY OF WICHITA, KANSAS,  
a corporate body politic and political  
subdivision of the State of Kansas

By: \_\_\_\_\_  
Name: Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_

Name: \_\_\_\_\_  
City Clerk

(Corporate Seal)

STATE OF KANSAS                    )  
  )  
COUNTY OF SEDGWICK            )

Appeared before me today, this \_\_\_\_\_ day of October, 2008, Carl Brewer, personally known to me and after first being sworn did state that he is the Mayor of the City of Wichita, State of Kansas, and that the seal affixed to the foregoing instrument is the official Seal of the City of Wichita, and that said instrument was signed and sealed on behalf of the City, and that the matters set forth herein are true and correct to the best of his and the City's knowledge, information and belief, and acknowledge that he executed the same on behalf of the City as its free act and deed.

\_\_\_\_\_  
Notary Public

My Commission Expires:

**ASSIGNMENT OF PARKING GARAGE MANAGEMENT AGREEMENT AND  
OPTION TO PURCHASE REAL ESTATE AGREEMENT**

THIS ASSIGNMENT OF PARKING GARAGE MANAGEMENT AGREEMENT AND OPTION TO PURCHASE REAL ESTATE AGREEMENT (“Assignment”) is made and entered into as of the 23<sup>rd</sup> day of October, 2008 (“Effective Date”), by and between DSW BROADVIEW, LLC, a Missouri limited company (“Assignor”) and DSW BROADVIEW, LLC, a Kansas limited liability company, with its principal place of business at 101 S. Farrar Drive, Cape Girardeau, Missouri 63701 (“Assignee”) and consented to by the CITY OF WICHITA, KANSAS, a corporate body politic and political subdivision of the State of Kansas (the “City”)

**WITNESSETH:**

WHEREAS, Assignor and the City , entered into that certain Parking Garage Management Agreement dated October 9, 2008 (the “Management Agreement”); and

WHEREAS, Assignor desires to assign to Assignee all of its right, title, interest, benefit, duty and liability in the Management Agreement to Assignee and Assignee desires to assume all of Assignor’s right, title, interest, benefit, duty and liability in said Management Agreement;

WHEREAS, Assignor and the City , entered into that certain Option to Purchase Real Estate Agreement dated October 9, 2008 (the “Option Agreement”); and

WHEREAS, Assignor desires to assign to Assignee all of its right, title, interest, benefit, duty and liability in the Option Agreement to Assignee and Assignee desires to assume all of Assignor’s right, title, interest, benefit, duty and liability in said Option Agreement;

WHEREAS, the City has granted its consent to the assignment to the Assignee by the Assignor of the Management Agreement and the Option Agreement;

NOW THEREFORE, Assignor does hereby assign and convey to Assignee all of its right, title, interest, benefit, duty and liability in and to the Management Agreement and Option Agreement from and after the Effective Date and the City does here by consent to such assignments.

Assignor hereby assigns the Management Agreement and Option Agreement to the Assignee from and after the Effective Date.

Assignee hereby accepts the assignment of said Management Agreement and Option Agreement and agrees to perform all obligations of Assignor under the Management Agreement and Option Agreement from and after the Effective Date.

The City hereby accepts the assignment and assumption of said Management Agreement and Option Agreement and agrees to the Assignee's performance of all obligations of Assignor under the Management Agreement and the Option Agreement from and after the Effective Date.

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment as of the Effective Date.

Assignor:

Assignee:

DSW BROADVIEW, LLC, a Missouri  
Limited liability company  
By DRURY SOUTHWEST, INC., Manager

DSW BROADVIEW, LLC, a Kansas limited  
liability company (formerly a Missouri limited  
liability company)  
By DRURY SOUTHWEST, INC., Manager

By: \_\_\_\_\_  
Dennis J. Vollink, President

By: \_\_\_\_\_  
Dennis J. Vollink, President

CONSENTED TO BY THE CITY AS OF THE EFFECTIVE DATE:

CITY OF WICHITA, KANSAS,  
a corporate body politic and political  
subdivision of the State of Kansas

By: \_\_\_\_\_  
Name: Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_

Name: \_\_\_\_\_  
City Clerk

(Corporate Seal)

Second Reading Ordinances for November 4, 2008 (first read on October 7, 2008)

Public Hearing and Issuance of Industrial Revenue Bonds, Approval of Related Agreements (DSW Broadview, LLC). (District VI)

ORDINANCE NO. 48-100

An Ordinance authorizing the city of Wichita, Kansas, to issue its Industrial Revenue Bonds, Series V, 2008; Series VI, 2008; and Series VII, 2008 (DSW Broadview, LLC) (taxable under federal law), in the aggregate principal amount not to exceed \$25,000,000 for the purpose of constructing and acquiring a commercial facility; and authorizing the execution of certain documents in connection with the issuance of the bonds.



CITY OF  
**WICHITA**

## Arts & Cultural Services

334 North Mead Wichita, KS. 67202

PHONE – 316.462.2787

FAX – 316.858.7960

October 22, 2008

Community Event Approval Committee;

Please review the attached Community Event Application for **Bombardier/Learjet Open House 2008** taking place October 25, 2008.

If your department's requirements have been met, please sign this committee approval notice and return the signed document via Fax to 858-7960 or inner office mail to Connie Clark CityArts, Mail Stop 2-1.

Feel free to contact the event promoter Carole Ochs @655-2250 or [Carole.ochs@aero.baomardier.com](mailto:Carole.ochs@aero.baomardier.com) if you have any questions pertaining to the event prior to signing off the approval note.

Thank you,

Connie Clark  
Event Coordinator

My signature represents approval of activities taking place October 25, 2008.

---

Signature

Department

Date



10/21/2008

## COMMUNITY EVENT APPLICATION

Applications must be submitted to:

Division of Arts & Cultural Services | 334 N. Mead | Wichita, KS 67202

(W) 316-462-2787 (F) 316-858-7960 csclark@wichita.gov

**Completion of a Community Event Application is required when all of the following conditions apply:** *The City of Wichita defines a Community Event as follows:*

- Outdoor event on public and/or private property
- Attendance in excess of 50 persons on public property and/or 250 persons on private or park property. *Excludes invitation only events taking place on private property.*
- Involves a particular purpose and time.

**Any or all conditions below may apply to an Event:** Some conditions require a separate permit, which may require City Council approval. The need for additional permits will be noted when applicable.

### **General Information:**

The City of Wichita may refuse any application submitted less than 45 days before the event or lacking requested information. Applications are subject to approval of all departments involved and will be required to provide the following:

- Certificate of Liability Insurance including Insurance Company/Provider
- Site map defining placement of staging, portables, trash, exit location, banners, etc.
- Security requirements including hiring of certified law enforcement officers
- Traffic flow plan defining street closure
- Food vendor list including contact person and contact information

Application Date: 10-21-08

Event Title: BOMBARDIER/LEARJET OPEN HOUSE 2008

Date(s)/Time: 10/25/08 9:30 a.m. — 4:00 p.m.

Address for Permit: 1 LEARJET WAY, WICHITA, KS 67209

Property (Circle all that apply): PUBLIC PARK PRIVATE



10/21/2008

Event Promoter: BOMBARDIER/LEARJET, CAROLE OCHS, MGR. Community Relations/Internal Communications.

Address: 1 LEARJET WAY, WICHITA, KS 67209

Phone: (316) 655-2250 Mobile: (316) 655-2250

Fax: (316) 946-2220

E-mail: CAROLE.OCHS@aero.Bombardier.com

Estimated Attendance: 3,000 +

Type of Event - (Circle all that apply) Commemoration Ceremony.  
45 Years of Flight.  
Parade Concert/Live Entertainment Dance Fireworks Carnival/Circus/Rodeo  
Walk/Run/Marathon Portable Amusement Rides OPEN HOUSE

Number of participants in previous years: \_\_\_\_\_  
(If applicable)

Will admission be charged? NO  
(If yes, what amount?)

Is this event a fundraiser? NO  
(If yes, for what organization?)

Many - STATE DIGNITARIES in attendance incl.  
Gov. Sebelius, STATE REPS., Mayor Brewer,  
Gene Cernan, Astronaut, MR. Wm. Lear, Jr.



10/21/2008

Description of Event:

Employee Appreciation Open-House, Dedication Ceremony - Celebration of 45 years of flight.

Street Closure Requested (Circle One): YES or NO

Date(s)/Time/Location of Street Closures:

9:30 - 10:30 on 10/25/08
Divert traffic entering off RIDGE RD. EXIT to 1 LEARJET WAY. Divert traffic from 1 Learjet Way North at WOODCHUCK.

ALLOW any "FLIGHT SAFETY INTERNATIONAL" EMPLOYEES or CUSTOMERS access to their BUILDING on South CORNER of 1 Learjet Way & 2 Learjet Way.

I, Carol Ochs, the above named applicant, do solemnly swear that I have read the contents of this application and that all information and answers herein contained are completed and true. In addition, I have read and understand all rules and regulations as set out in the Code of the City of Wichita. Furthermore, I hereby agree to comply with all of the laws of the State of Kansas, and all rules and regulations prescribed by the City of Wichita and I have consent to the immediate revocation of my license, by the proper officials, for any violation of such laws, rules, or regulations.

Signature of Event Promoter

10-21-08
Date

BOMBARDIER/LEARJET OPEN-HOUSE
Organization/Event on 10/25/08

10-21-08
Date

City of Wichita Representative

Date



10/21/2008

## COMMUNITY EVENT CHECKLIST

Applications must be sent to:

Division of Arts & Cultural Services | 334 N. Mead | Wichita, KS 67202  
(W) 316-462-2787 (F) 316-858-7960 csclark@wichita.gov

**Completion of a Community Event Application is required when all of the following conditions apply:** *The City of Wichita defines a Community Event as follows:*

- Outdoor event on public and/or private property
- Attendance in excess of 50 persons on public property and/or 250 on private or park property. Excludes invitation only events.
- Involves a particular purpose and time.

Approval of all applicable departments is required before permit is issued. Every event contact person shall be required to provide certified law enforcement officers, portable restrooms, and trash service in adequate number as reasonably determined by the procedures set forth. All vendors must be properly licensed and inspected. The event promoter shall also be required to obtain, place and remove signs and barricades to close streets in accordance with requirements of the City. Such services will be provided without cost to the City of Wichita or its agencies. Municipal Codes can be accessed from [www.wichita.gov](http://www.wichita.gov). Left side of Home Page, click on "City Manager" then "Community Events".

X

### **1. Certificate of Insurance – Minimum 30 day approval process**

The event promoter shall be required to **maintain insurance reasonably acceptable to the City covering all aspects of the event** in a minimum amount of \$500,000 public liability insurance and \$50,000 property damage insurance, in addition to other insurance as required by law. The insurance policies must include the City of Wichita and its agencies as additional insured.

X

### **2. Site Map – Must accompany application**

A Site Map/Plan and Event Notice **must be attached to application**. The Site Map/Plan shall include: (1) barricade locations; (2) vendor locations; (3) stage placement (4) portable restroom locations; (5) trash receptacle locations and (6) streets requested for closure.

X

### **3. Security Requirements – Minimum 10 day approval process**

Security requirements shall be determined in coordination with the Wichita Police Department's "Score Computation Chart" The event promoter will be required to hire certified law enforcement officers in addition to any other security the promoter provides on the event site.

*in-house Employee Ms. Toyia Harbour  
Contracted in-house security: 11, allied Barton = 5,  
2 off-duty Police Officers.*



10/21/2008

- X 4. Traffic Flow Plan – Must accompany application**  
 The plan should include any information that will impact the flow of traffic, such as requested street closures; route for parade, run/walk; or any other request. Does not include events solely on sidewalks or public rights-of-way immediately adjacent to public streets. Applicants will be required to disclose the date, street name, location, and time period for approval of requested street closures. Please attach the traffic flow plan as part of the site map. Closure for any major street requires applicable signs and Type III barricades and certified law enforcement officers, to be provided by lessee. All affected property owners are required to be notified in writing of intended street closure.  
Only temporary street markings are allowed and must be removed immediately upon completion of the event. *included*
- X 5. Trash Receptacles – Minimum 10 day approval process**  
 The number of trash containers shall be based upon industry standards for sanitation and public convenience and will include consideration of the type of food and packaging. Requirements will be determined on event criteria and established with contracted vendor. Trash service will include servicing during an event for four hours or more and picking up of all trash and debris during and after the event. Upon completion of the event public property shall be left in the same condition or better than received. Trash containers may be located only in areas approved on site map. *in-house*.
- X 6. Portable Restrooms – Minimum 10 day approval process**  
 The number of portable restrooms shall be based upon industry standards for sanitation and public convenience. Requirements will be determined on event criteria and established with contracted vendor. The plan must provide for service during the event if planned for four hours or more. Portable restrooms may be located only in areas approved on site map. *- in-house, as well as 160 contracted thru Porta-*
- X 7. Food Vendors – Minimum 15 day approval process**  
 Food vendors must be licensed and inspected through Environmental Services. A list of vendors including contact person and contact information must be submitted with the Community Event Application. *Contract with Canteen - MR. John DONBO, 524-2254, 655-7758*
- 8. Transient Merchant License– Minimum 15 day approval process**  
 Transient Merchants are described as vendors selling wares or food from 7:00 am until Midnight. Each vendor is required to fill out an application including signature and a copy of current Sales Tax License for the State of Kansas or proof of exempt status must accompany application. A list of vendors including contact person and contact information must be submitted with the Community Event Application. *NA*
- 9. Beer and Liquor Licenses – Minimum 30 day approval process**  
 The event promoter shall be responsible for compliance with beer and liquor laws as well as all other laws and ordinances in the conduct of the event. Click on the "Business" tab at the top of the Home Page then click on "City of Wichita License Applications". *NA*



10/21/2008

10. Portable Amusement Ride License- Minimum 15 day approval process  
Completed application must include a copy of certificate of inspection for each ride and applicable insurance. Placement of rides must be noted on site plan. NA

11. Fireworks License- Minimum 30 day approval process  
Completed application must include a copy of the Firework Operator Certificate. Applicant is required to include a site plan of the shooting site, a list of shell sizes and applicable insurance. NA

12. Noise Level  
The event promoter shall be required to ensure that sound levels do not exceed that which is appropriate for the event area and its location. *Municipal Code Section 7.41.030*. The promoter will respond in a timely and effective manner to requests of the city's representatives concerning the sound level. The WPD or authorized representatives of the City shall have the authority to cancel musical performances or events for substantial or repeated violations. NA

X 13. Event Times  
Outdoor dances and live performances may operate 7:00 pm until 10:00 pm Sunday through Thursday, 7:00 pm until 11:00 pm Friday and Saturday. *Municipal Code Section 3.28.050*. Amusement parks may operate until 11:00 pm Sunday through Thursday and until midnight on Friday and Saturday. *Municipal Code Section 3.20.030*. The event promoter shall at all times be responsible for compliance with laws and ordinances regulating the times of events. 9:30 a.m. - 8:00 a.m. (only need traffic flow barricade w/ police attendant from 9:30-10:30)

14. Miscellaneous  
No excavation shall be made on public property nor objects/promotional items be placed or attached to public property except as expressly approved by permit or license. The event promoter shall be required to abide by such other requirements as may be reasonable for the approval of the application. NA

I have read and understand the above information and regulations and accept them on behalf of the following organization.

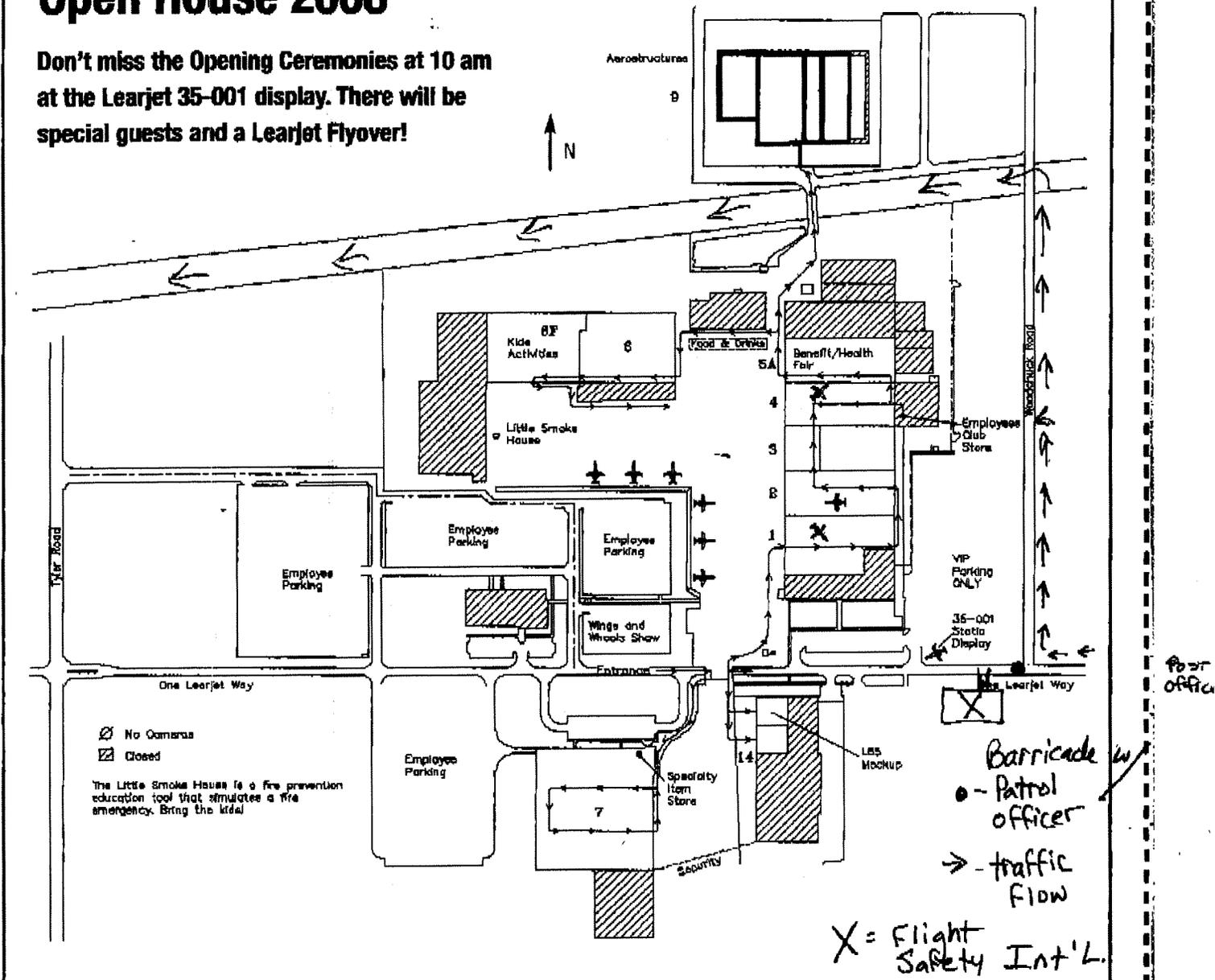
Carole Ochs, Mgr. Community Relations 10/21/08  
Signature of Event Promoter Communications Date

BOMBARDIER / LEARJET OPEN HOUSE 2008  
Organization/Event

\_\_\_\_\_  
City of Wichita Representative Date

# Open House 2008

Don't miss the Opening Ceremonies at 10 am at the Learjet 35-001 display. There will be special guests and a Learjet Flyover!



## Open House Health Fair

*X-needs customer access to Business*

The BFit Health and Wellness Health Fair will be in Hangar 5A from 10 am until 2 pm. The following will be offered Free to all Employees:

- Free Flu Shots (Contractors and Temps also get Free Flu shots!)
- Free Screenings for Employees only that include Cholesterol, Blood Pressure, Body Fat, Body Mass Index, Height and Weight...
- Free Chair Massage (Free for contractors and temps as well!)

Employees who complete the onsite screenings will get a Free BFit T-Shirt as well as have the opportunity to win tons of great prizes such as IPODS, Gift Certificates and more...

Vendors will also be onsite from around the community and from our various benefits groups to help answer your questions about your health and benefits.

*\* Need Barricade attended from 9:30 - 10:30*

# MARSH

## Certificate of Insurance

No. L-2007-512

Dated: December 11, 2007

This document supersedes any certificate previously issued under this number

This is to certify that the Policy(ies) of Insurance listed below ("Policy" or "Policies") have been issued to the Named Insured identified below for the policy period(s) indicated. This certificate is issued as a matter of information only and confers no rights upon the Certificate Holder named below other than those provided by the Policy(ies).

Notwithstanding any requirement, term or condition of any contract or any other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the Policy(ies) is subject to all the terms, conditions and exclusions of such Policy(ies). This certificate does not amend, extend or alter the coverage afforded by the Policy(ies). Limits shown are intended to address contractual obligations of the Named Insured.

Limits may have been reduced since Policy effective date(s) as a result of a claim or claims.

<b>Certificate Holder:</b> The City of Wichita, Office of the City Clerk 455 North Main Wichita, KS 67202	<b>Named Insured and Address:</b> Bombardier Inc. and/or Learjet Inc. and any associated, affiliated or subsidiary corporations and/or companies as they may now exist or hereafter be constituted. 800 René-Lévesque Blvd. West, 29th Floor Montreal, QC H3B 1Y8
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Type(s) of Insurance	Insurer(s)	Policy Number(s)	Effective/ Expiry Dates	Sums Insured Or Limits of Liability	
AVIATION LIABILITY • Aviation Liability including: aircraft, airport premises, hangarkeepers and contractual.	Non-Marine Underwriters at Lloyds & various European Ins. Co Global Aerospace Underwriting Managers (Canada) Limited Allianz Global Risks US Insurance Company AXA Corporate Solutions Assurance L'Union Canadienne, Compagnie d'Assurances American Home Assurance Company Canadian Aviation Insurance Managers Ltd. DBB Insurance Company Limited	AW027707, PL 0533949-13, SIHL1-109J, DBB - A2007/8	Dec 15, 2007 to Dec 15, 2008	per occurrence and in the annual aggregate as applicable.	USD 100,000,000

**Notice of cancellation:**

Should any of the policies described herein be cancelled before the expiration date thereof, the insurer(s) affording coverage will endeavour to mail 30 days written notice to the certificate holder named herein, but failure to mail such notice shall impose no obligation or liability of any kind upon the insurer(s) affording coverage, their agents or representatives, or the issuer of this certificate.

<b>Marsh Canada Limited</b> 1981 McGill College Avenue Suite 820 Montréal, QC H3A 3T4 Telephone: 514-285-5862 Fax: 514-285-6692 pierrealexandre.lussier@marsh.com	Marsh Canada Limited  By:   Pierre-Alexandre Lussier
---	--

**LEARJET INC.**  
**A DIVISION OF BOMBARDIER INC.**

**CONFIRMATION OF INSURANCE**

**ISSUED TO** : Learjet Inc.  
A Division of Bombardier Inc  
One Learjet Way  
Wichita, Kansas 67209  
USA

**PROPERTY COVERED** : Learjet inventory housed in Wichita facility (address: 1 Learjet Way  
Mid-Continent Airport Wichita KS 67209)

- Type of Insurance : Property
- Perils Insured : "All Risks" of Physical Loss or Damage subject to the policy terms,  
conditions and exclusions
- Policy Period : February 1<sup>st</sup>, 2008 to February 1<sup>st</sup>, 2009
- Total limits evidenced under this confirmation of insurance: US \$397,413,000 – broken down as  
follows:
- Limit of Liability : US \$200,000,000
- Insurer : Zurich American Insurance Company  
Policy No. MCP4360987-01
- Limit of Liability : US \$197,413,000 xs US \$200,000,000
- Reinsurer : DBB Insurance Company Limited  
Policy No. DBB-P2008/9
- Original Insured : Bombardier Inc. and all affiliated or associated companies

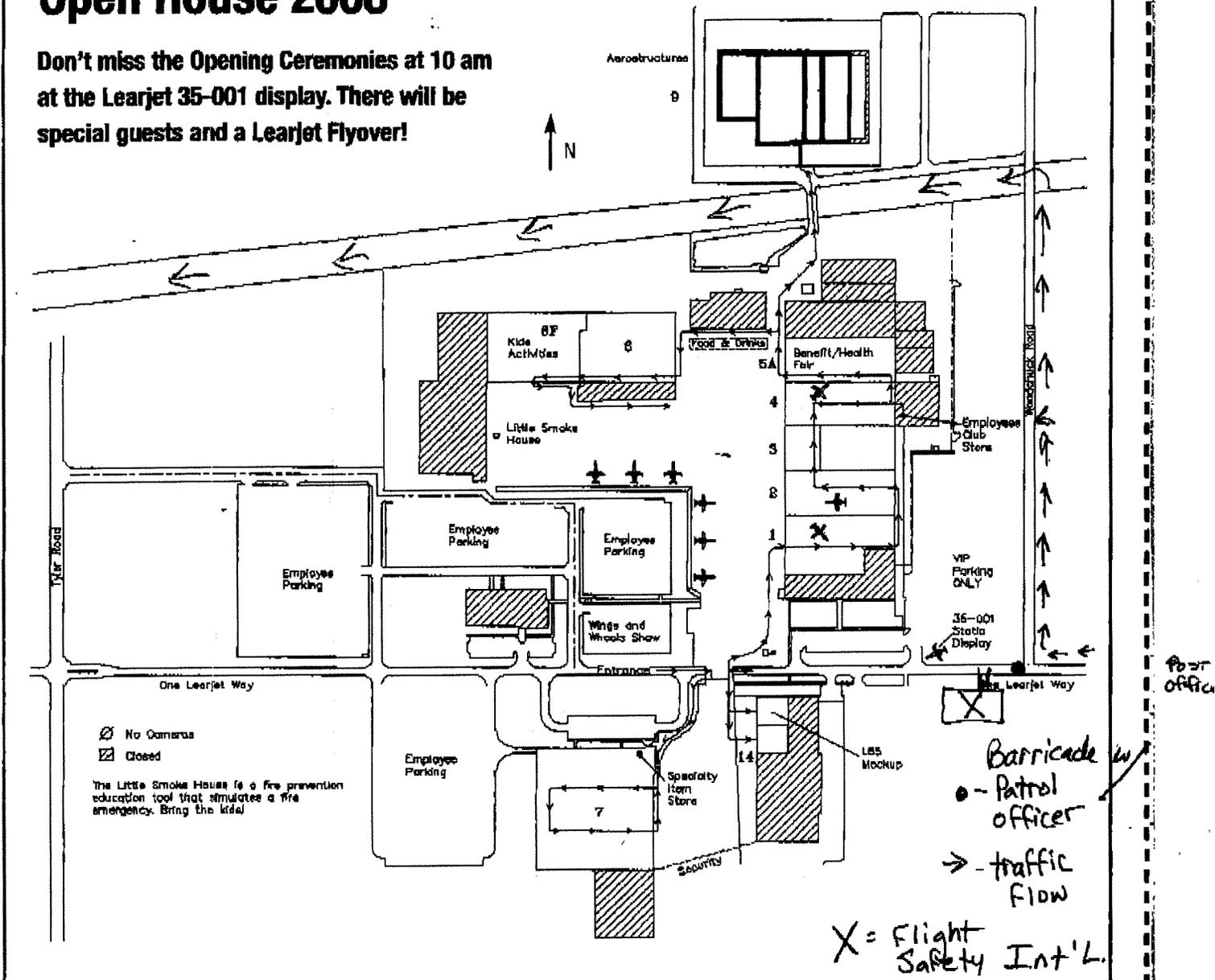
**MARSH CANADA LTD.**

*Concetta Tambasco*

Concetta I Tambasco  
Assistant Vice President  
Marsh Canada Limited  
1981 McGill College  
Montreal, Quebec  
H3A 3T4

# Open House 2008

Don't miss the Opening Ceremonies at 10 am at the Learjet 35-001 display. There will be special guests and a Learjet Flyover!



## Open House Health Fair

*X-needs customer access to Business*

The BFit Health and Wellness Health Fair will be in Hangar 5A from 10 am until 2 pm. The following will be offered Free to all Employees:

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Employees who complete the onsite screenings will get a Free BFit T-Shirt as well as have the opportunity to win tons of great prizes such as IPODS, Gift Certificates and more...

Vendors will also be onsite from around the community and from our various benefits groups to help answer your questions about your health and benefits.

*\* Need Barricade attended from 9:30 - 10:30*

City of Wichita  
City Council Meeting  
October 23, 2008

**TO:** Mayor and City Council  
**SUBJECT:** Community Events (District V & IV)  
**INITIATED BY:** Division of Arts & Cultural Services  
**AGENDA:** Consent

---

**Recommendation:** Approve the request for temporary street closure.

**Background:** In accordance with the Community Events Procedure, the event promoter Carole Ochs, Community Relations Manager with Bobmardier/Learjet is making arrangements with Staff, subject to final approval by the City Council.

**Analysis:** The following street closure request has been submitted:

**Bombardier/Learjet Open House 2008 October 25, 2008 9:30 – 10:30 am**

§ Woodchuck Road, West One Learjet Way to Airport Road  
Please see attached map.

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

**Financial Consideration:** The event sponsor is responsible for all costs associated with special event.

**Goal Impact:** Enhance the Quality of Life

**Legal Consideration:** None

**Recommendation/Actions:** It is recommended that the City Council approve the request subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; and (3) Certificate of Liability Insurance on file with the Community Events Coordinator.